

Grant County Planning Commission

October 28th, 2002

The October 2002 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Brooke Rider, Nick Kinman, William Covington, Stephen Fritz, Bill Marksberry, Jim Weigel, Kevin Hudson, Marvin Faulkner, Nancy Duley, a representative of Erpenbeck engineers and Tom Neinaber.

There was a quorum present.

John Lawrence stated that items 1, 5 & 6 were to be taken off of the agenda

Item 2. September Financial Report

Brooke Ridge made a motion to approve the financial report for September, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Item 3. Administrators Report

Jonathan stated that the Commission needed to review their continuing education hours and if they had any questions to contact the office.

Jonathan gave the Commission copies of the Kentucky Planner which features an article on Grant County.

Jonathan stated that someone had approached him and suggested that the Commission hold their public hearing at various locations in the county such as in each city in order to show that the Commission represents not only the county but also the cities.

Jonathan reminded the Commission that there would not be a December meeting.

ITEM 4: BRENTWOOD PHASE 4 - IMPROVEMENT

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Jonathan stated that the City of Dry Ridge had stated that some of the items the developer agreed to were not completed. Logan Murphy stated he would contact the City to see what those items were.

Stephen Fritz made a motion to approve the plat, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Item 7. Conveyance Plats

Jonathan read a list of the conveyance plats approved during September.

Brooke Rider made a motion to approve the list as presented, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Item 8. Conveyance Plat approval process

John Lawrence declared the public hearing open

Jonathan stated that the commission requested 2 options for this process.

1. the Engineer reviews the plats and then the Zoning Administrator signs the plat after approval is recommended by the Engineer. Then the Commission approves the conveyances by list at their meeting.
2. remove the step of the engineer and have the Zoning Administrator only approve the plats.

John Lawrence asked if anyone wish to speak concerning this item.

Charlie Phillips, representing the League of KY Property Owners, asked how long the process would take.

Jonathan stated that it would depend on the situation but normally 1-5 days.

Mr. Phillips stated that was probably acceptable.

John Lawrence declared the public hearing closed.

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Marvin Faulkner asked if the fees would change.

Jonathan stated that for now the fees would remain \$50. and that his recommendation was option #1.

Jim Weigel made a motion to approve option #1, Kevin Hudson seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Item 9. Executive Session

Brooke Rider made a motion to go into executive session to discuss possible litigation, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Nick Kinman made a motion to come out of executive session, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

Item 10.

A: Charlie Phillips

Mr. Phillips, representing the League of KY property owners, stated that they were concerned over what was allowed in the finding of facts of a zone change. He stated that he had attended several public hearing in which the applicant is asked if they agree to never subdivide the property in the future. He stated that the Commissions duty is to find facts during the public hearing. He said that he had spoke to an attorney at the recent planning conference in Northern KY and asked him if this question should be asked and he stated that it should not.

John Lawrence stated that the Commission would take the comments into consideration.

B: Steve Howe

Mr. Howe stated that he was there to discuss a situation involving the county, the RR, private persons and a mobile home company. He said that after the accident in Sherman at the railroad crossing that several children were killed the crossing was closed. He said that this caused the property owners, Weimers to have to cross the Mobile Home Park property to get to their property. He said that in a resolution passed by the Fiscal Court in 1995 they stated if the railroad crossing were closed the road would be improved and taken in to the county road system. He said that no one ever got the road approved through the Commission. He said that the Mobile Home Park owners have sued the Weimers because the road was never taken in by the County. The county has said that the Road needs to be brought up to specs before they will take it in for maintenance. He said that Mr. Erpenbeck had evaluated the site and the cost of upgrading the road would be about \$18,000. He said that he is wanting something from the Commission saying that if someone spends the \$18,000 to bring the road up per Erpenbecks specification and is approved by Erpenbeck that the Commission will recommend to the Court to accept the road.

Jonathan stated that his concern was that there was a mobile home that set very close to the road making widening impossible. He said that the road only accessed 9 homes and was dead end.

Steve Howe said that they could like conditional approval of the road.

Mr. Neinaber stated that the road being discussed was about 1002 ft. and that the Commission did not have final say that the Fiscal Court had final decision. He said that the Commission could grant waiver of the Subdivision Regulations and can require certain conditions on the waiver such as the quality of the street with the required improvements. He said that other conditions could be: the street always be dead end, the crossing stay closed and once the mobile home that is setting too close is vacated that it be removed.

Jonathan stated that the major concern was future development of surrounding land and the road not being wide enough.

Mr. Neinaber stated that the Commission could make a condition that if any of the land is expanded in density that the road be widened.

The Commission reviewed a survey of the land and road with Mr. Howe, an attorney from the Rail Road, and representatives of the Mobile Home Park.

Bill Marksberry made a motion to recommend to Fiscal Court to accept the road with the following conditions: 1. the road remain a dead end, 2. the railroad crossing remain closed, 3. if the mobile home setting too close is moved it be replaced out of the right-of-way, 4. the land accessed by this road remain used as is and if expanded the road be widened to the required feet. 5. the road be improved per Ray Erpenbecks recommendations and approved by him., Nick Kinman seconded the motion. A hand vote was taken, Brooke Rider-yes, Nick Kinman-yes, William Covington-yes, Stephen Fritz-

yes, Bill Marksberry-yes, Jim Weigel-did not vote, Kevin Hudson-yes, Marvin Faulkner-yes, Nancy Duley-yes. Motion passes.

C: John Williams

Mr. Williams stated that he had an application for a zone change last month and was unable to attend. He said he received a letter saying he had to pay \$395 more to be on this agenda and he did not understand the cost.

Jonathan stated that 2 of the 3 applicants for last month did not show and the Commission decided to table the applications and required them to pay the additional fee. He said that the fee schedule states that \$300 is for continuing the application and \$95 is for the notifications. He stated that the fee from the other applicant had been received and were on the agenda for November.

Mr. Williams stated that he did not receive anything stating he had to be there.

Jonathan stated that he was told he was to be there and the certified letter addressed to him was returned because it was not claimed.

Bill Marksberry made a motion that the applicants of a zone change should be present or pay the penalty, Kevin Hudson seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

PUBLIC HEARING - COUNTYWIDE ZONING ORDINANCE

John Lawrence declared the public hearing open.

Jonathan stated that this was to combine the existing 5 ordinances into 1 countywide ordinance and articles 1-10 would be discussed this evening.

Article 1: language stayed the basically the same as the current zoning ordinances.

Article 2: language stayed the basically the same as the current zoning ordinances.

Article 3: language stayed the basically the same as the current zoning ordinances.

Article 4: language stayed the basically the same as the current zoning ordinances.

Article 5: language stayed the basically the same as the current zoning ordinances.

Article 6: language stayed the basically the same as the current zoning ordinances.

Article 7: Jonathan stated that the major change was defining "Mobile home" as being before 1976 and manufactured home after 1975.

Article 8: Jonathan stated that this article lays out the zoning classifications and gives a purpose for each zone.

Jonathan stated that the Commission may look at removing the RNC zone and find another way to deal with non-conforming lots sold on land contracts that need to be recorded.

Article 9:

Section 1: language stayed the basically the same as the current zoning ordinances.

Section 2: language stayed the basically the same as the current zoning ordinances.

Section 3: language stayed the basically the same as the current zoning ordinances.

Section 4: language stayed the basically the same as the current zoning ordinances.

Section 5: language stayed the basically the same as the current zoning ordinances.

Section 6: language stayed the basically the same as the current zoning ordinances.

Section 7: language stayed the basically the same as the current zoning ordinances.

Section 8: language stayed the basically the same as the current zoning ordinances.

Section 9: language stayed the basically the same as the current zoning ordinances.

Section 10: language stayed the basically the same as the current zoning ordinances.
Section 11: language stayed the basically the same as the current zoning ordinances.
Section 12: language stayed the basically the same as the current zoning ordinances.
Section 13: language stayed the basically the same as the current zoning ordinances.
Section 14: language stayed the basically the same as the current zoning ordinances.
Section 15: language stayed the basically the same as the current zoning ordinances.
Section 16: language stayed the basically the same as the current zoning ordinances.
Section 17: language stayed the basically the same as the current zoning ordinances.
Section 18: Jonathan stated that the addition of keeping the required screening alive would be added.
Section 19: language stayed the basically the same as the current zoning ordinances.
Section 20: language stayed the basically the same as the current zoning ordinances.
Section 21: language stayed the basically the same as the current zoning ordinances.
Section 22: language stayed the basically the same as the current zoning ordinances.
Section 23: language stayed the basically the same as the current zoning ordinances.
Section 24: language stayed the basically the same as the current zoning ordinances.
Section 25: language stayed the basically the same as the current zoning ordinances.
Section 26: changed to conform with the changes in the definitions
Section 27: language stayed the basically the same as the current zoning ordinances.
Section 28: language stayed the basically the same as the current zoning ordinances.

Section 29: Jonathan stated that this was a new section requiring a concept development plan; a sketch of the developers plans to submit to the Commission

Article 10:

Section 10.1: Jonathan stated that he had a request by Steve Howe to add riding stables to the accessory uses. Mr. Howe stated that he had been considering the idea but it was not a use in any zone. Jonathan stated that he thought it should be added to the conditions uses so that the Board could regulate the use.

Charlie Phillips, representing the League of KY property owners, stated that they felt the minimum lot size for the A-1 zone being 20 acres is excessive. He presented the commission with zones from adjoining counties which had a minimum lot size of 5 acres. He said that a 20-acre minimum lot size was way too much.

Jonathan stated that the commission didn't look at other counties, they considered what was good for Grant county.

Ellis Baker stated that your are dealing with a farmers retirement, and the farmer has to figure on selling land as his retirement. He said that 20 acres is high, he said that he would go along with the regulations but they must be reasonable.

Jonathan stated that in reviewing past zone changes 95% stated that Agricultural production was not feasible. He said that the commission had to consider what acreage was feasible for agricultural production in Grant County and they decided on 20 acres

Section 10.4: Jonathan stated that Home Occupation would be moved to Conditional Use.

Section 10.5-10.8: Jonathan stated that the main difference in these were lot sizes

Section 10.11: Pat Conrad asked if there was a place for home schooling. Jonathan stated that it was listed in some of the conditional uses.

Section 10.13: Jonathan stated that Mobile had been changed to Manufactured

Section 10.15-10.18: Jonathan stated that the phrase - any use adaptable - was taken out under conditional use

Section 10.19: Jonathan stated that this was a brand new zone.

Section 10.20: Jonathan stated that this was a brand new zone.

Section 10.21: Wade Gutman asked if a Crematorium could be added to the uses. Jonathan stated that they would look into it.

Jonathan stated that there would be another public hearing next month.

Judge Link congratulated the commission on all their work and that having one ordinance would make it easier on everyone. He said that one concern was taking out of the AH zone which would prevent someone with land with no road frontage from building a home on their property.

Jonathan stated that it would not prevent a home from being built but would prevent any subdividing of the property. He said that the Commission would take his concern under consideration.

Item 9. Adjournment

William Covington made a motion to adjourn, Kevin Hudson seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE